

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMERICAN CRUISE LINES, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-324 (RGA)
)	
HMS AMERICAN QUEEN STEAMBOAT)	
COMPANY LLC and AMERICAN QUEEN)	
STEAMBOAT OPERATING COMPANY,)	
LLC,)	
)	
Defendants.)	

STIPULATION AND ORDER REGARDING TRIAL

WHEREAS, the Court held a status conference on June 15, 2018 to discuss the parties' joint status report (D.I. 267) regarding the scope of trial;

IT IS STIPULATED BY THE PARTIES, subject to the approval of the Court, that a 5-day jury trial is scheduled to begin November 5, 2018. In view of the fact that another matter is also scheduled to begin the same day (*Bio-Rad Laboratories, Inc. et al v. 10X Genomics Inc.*, C.A. No. 15-152-RGA, "conflict trial"), the trial scheduled for November 5, 2018 shall be cancelled if the conflict trial is still on the Court's calendar as of September 21, 2018. The parties are scheduled for a 5-day jury trial to begin on January 7, 2018 as a backup trial in the event that trial cannot go forward on November 5, 2018.

IT IS FURTHER STIPULATED, subject to the approval of the Court, that the trial shall address the following claims:

- A. ACL's claims in Count II of ACL's Fourth Amended Complaint (FAC) (D.I. 129) for trademark infringement and unfair competition based on ACL's registered tradename mark AMERICAN CRUISE LINES, including proof of facts pertinent to the registration and strength of that mark, and proof of AQSC's allegedly infringing use of the company tradename AMERICAN QUEEN STEAMBOAT COMPANY, as well as any affirmative defenses related to this count.

- B. ACL's claims for trademark infringement and unfair competition based on ACL's registration of the vessel name marks AMERICAN GLORY, AMERICAN SPIRIT, AMERICAN STAR, and AMERICAN EAGLE and AQSC's allegedly infringing use of vessels named "American Queen", "American Empress," and "American Duchess", (i.e. Count II (in part), Count IV (in part), Count V (in part), Count VII (in part) and Count VIII (in part)) as well any affirmative defenses related to these counts.
- C. AQSC's claims for trademark infringement and unfair competition based on ACL's use of its "American" vessels on the Mississippi and Columbia/Snake rivers (i.e. Count II, Count IV, Count V (in part) and Count VI (in part) of AQSC's Counterclaim, D.I. 132), as well as any affirmative defenses related to these counts.

IT IS FURTHER STIPULATED that any remaining claims would be deferred until after the trial on the merits of the above claims and a second trial would be held, if necessary.

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June 25, 2018
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SO ORDERED this ____ day of _____, 2018.

United States District Judge